

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
CITY OF CLEVELAND)	<u>MOTION TO APPROVE COMMUNITY</u>
)	<u>AND PROBLEM-ORIENTED POLICING</u>
)	<u>POLICY</u>
Defendant.)	
)	
)	

Pursuant to Paragraphs 27 through 34 of the Consent Decree and the Fourth Year Monitoring Plan in the above-captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted a proposed Community and Problem-Oriented Policing (“CPOP”) Policy to the Monitoring Team, attached hereto as Exhibit A.

The Monitoring Team has carefully reviewed the CPOP Policy. The Policy memorializes new Division-wide expectations initially introduced in the Division’s Court-approved CPOP Plan. *See Dkt. 237.* Among other things, the Policy addresses the goal that patrol officers spend 20% of their time engaging with community residents; that CDP will strengthen partnerships with community groups and enhance its District Policing Committees; and that officers will input data

about community engagement and problem-solving activities so that CDP can subsequently analyze and iteratively improve its CPOP activities. The Monitoring Team therefore recommends that the Court approve CDP's Proposed CPOP Policy.

I. SUMMARY OF CONSENT DECREE REQUIREMENTS REGARDING COMMUNITY AND PROBLEM-ORIENTED POLICING

The Consent Decree defines "community and problem-oriented policing" as a "policing philosophy that promotes and relies on collaborative partnerships between law enforcement agencies and the individuals and organizations they serve to develop solutions to problems, increase trust in police, and improve the effectiveness of policing efforts." Dkt. 7-1 at ¶ 414.

The Decree requires that the Division develop and implement a "comprehensive and integrated community and problem-oriented policing model" to "promote and strengthen partnerships with the community, engage constructively with the community to ensure collaborative problem-solving, and increase community confidence in the CDP." *Id.* at ¶ 27. In developing this model, the Division will "consult with the [Cleveland Community Police] Commission[.]" *Id.* The Division's CPOP model must cover the Division's "management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems." *Id.* at ¶ 28.

CDP, under the Decree, must "ensure that officers are familiar with the geographic areas they serve, including their assets, challenges, problems, business, residential and demographic profiles, and community groups and leaders; engage in problem identification and solving activities with the community groups and members regarding the community's priorities; and work proactively with other city and county departments to address quality of life issues." *Id.* at ¶ 29.

Moreover, the City and CDP must “maintain collaborative partnerships with a broad spectrum of community groups[,]” and CDP will implement systems to monitor and analyze “whether officers are partnering with a broad cross-section of community members to develop and implement cooperative strategies that build mutual respect and identify and solve problems.” *Id.* at ¶¶ 31, 33.

The Consent Decree also requires CDP to publish “a publicly-available community policing report detailing its community policing efforts in each District.” *Id.* at ¶ 34. The report will describe problems and solutions that the CDP has identified, as well as “identify obstacles . . . and recommendations for future improvement.” *Id.*

II. PROCEDURAL HISTORY

Shortly after finalizing the CPOP Plan, which was approved by the Court on February 20, 2019, the Division began to create official departmental policy that memorializes the contemplated changes in protocols and expectations. The Division worked through drafts of the policy, incorporating feedback from the Department of Justice and Monitoring Team. The Community Police Commission also contributed to the development of the submitted CPOP Policy, offering feedback and recommendations that the City considered in its finalization of the Policy.

CDP submitted a final draft of the CPOP Policy to the Monitoring Team on July 17, 2019.

III. STANDARD OF REVIEW

The Monitoring Team’s role is to “assess and report whether the requirements” of the Consent Decree “have been implemented.” Dkt. 7-1 at ¶ 351; *accord id.* ¶ at 352 (requiring the Monitor to “review . . . policies, procedures, practices, training curricula, and programs developed and implemented under” the Decree). The task of the Monitoring Team here is to determine whether the submitted CPOP Policy complies with the Consent Decree’s requirements.

IV. ANALYSIS OF THE CPOP POLICY

The submitted CPOP Policy makes clear officers' expectations to actively collaborate with Cleveland residents to address public safety issues and the conditions that lead to crime. Specifically, patrol officers assigned to CDP's neighborhood districts "are expected to spend an average of 20% of their time engaging with community members to build relationships, partnerships, and trust, and collaboratively solve community concerns." Ex. A at 2. CDP members who are not tasked with patrol duties "will be responsible for engaging in CPOP activity as often as possible given the nature of their assignments." *Id.* at 3. The Policy includes examples of formal and informal activities that count as CPOP activities, such as bike and foot patrols, participating in community events and meetings, checking in with community organizations about problems they have encountered, and "identifying and solving problems in ways other than arrest, such as connecting community members to services that provide assistance such as mental health and homeless services[.]" *Id.* at 3-4. Under the CPOP Policy, "[b]rief, consensual encounters in which officers spend minimal time interacting with citizens in a voluntary, non-investigative manner do not constitute community engagement or problem-solving activities." *Id.* at 4.

A key component of the Division's commitment to community engagement will be in its ability to effectively create and strengthen active partnerships with community stakeholders. The CPOP Policy states that officers "shall form partnerships with all communities" including community organizations, community development corporations, youth advocates, LGBTQ individuals, religious and ethnic communities, block clubs, the homeless community, and community members with mental illness or other behavioral health issues. *Id.* at 4-5.

To help CDP Districts "to identify resources in their neighborhood that could assist with CPOP[,]" an Asset Map will be created and available for all officers to learn about existing

community partnerships and to effectively identify “those that do not readily interact with the Division.” *Id.* at 5. The map will be created by the City’s Office of Prevention, Intervention Office of Prevention, Intervention, and Opportunity for Youth and Young Adults, the City Planning Commission, the Safe Routes Program, the Community Relations Board, Community Development Corporations, the Cleveland Division of Police, and other community organizations. Under the Fourth Year Monitoring Plan, this map is expected to be completed and distributed by October 25, 2019. Dkt. 249.

The CPOP Policy also memorializes certain expectations initially laid out in CDP’s District Policing Committee Plan, which was approved by the Court on February 20, 2019. Dkt. 238. The submitted CPOP Policy states that “District Commanders will use the DPC meetings as opportunities to identify, assess, and collaboratively solve problems in their District. They will also use the sessions to solicit input on the Division[’]s policies and procedures.” Ex. A at 5. Further, DPCs will survey community members to assess the Division’s performance in its CPOP activities and its overall performance. *Id.*

The CPOP Policy also mandates the collection of data that will be used to track all CPOP activities. There will be separate forms for Community Engagement and for Collaborative Problem-Solving. The policy includes data fields that will be mandatory for the collection of community engagement activities, such as the date and location of the event; whether the encounter was officer-initiated; whether the event was an organized event; and the type of officer-initiated engagement, e.g. social contact, community problem-solving. The CPOP Policy also outlines data fields mandatory for the collection of problem-solving activities, such as a description of the problem; how the problem was identified; strategies used to address the problem; who was involved in the response; results; and whether the problem will require follow-up. *Id.* at 6-7.

Under the proposed CPOP Policy, officers will not be subject to discipline “based solely on their inability to meet CPOP expectations. However, meeting or not meeting expectations about engaging in community engagement and problem-solving activities shall be used in the evaluation process in determining promotions, assignments, and evaluations.” *Id.* at 7-8.

Supervisors will have significant responsibilities under the CPOP Policy to ensure that line officers are taking seriously the duty to engage with Cleveland residents in a positive manner. Supervisors shall “[p]rovide opportunity, support, guidance, and education to officers to ensure that CPOP is being effectively implemented.” *Id.* at 8. Further, they shall “[r]ecognize officers who excel at positively engaging the community and/or collaborative problem-solving, and remediate those that are not effectively implementing the CPOP process and principles.” *Id.*

The Monitoring Team notes here that the submitted CPOP Policy, as official Division policy that must be adhered to by all CDP members, represents an important step in taking the Division from the initial CPOP Plan—described by the Team as “an important and commendable statement of vision”—toward operationalizing the principles of community engagement and problem-solving. Dkt. 234 at 11. This Policy is not the endpoint. CDP still must enact the operational changes—including in deployment, staffing, resource allocation, and continued training on community engagement—that will allow it to best collaborate with Cleveland residents in identifying and resolving public safety problems.

V. CONCLUSION

The task of the Monitoring Team is to duly consider whether the City’s submitted CPOP Policy satisfies the terms of the Consent Decree. The Monitoring Team concludes that the policy meets the terms of the Consent Decree. Accordingly, the Monitor approves the CPOP Policy in its entirety and requests that this Court order it effective immediately.

Respectfully submitted,

/s/ Hassan Aden

HASSAN ADEN
Monitor
The Aden Group LLC
8022 Fairfax Road
Alexandria, VA 22308
Tel: (571) 274-7821
Email: aden@theadengroup.com

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2019, I served the foregoing document entitled Motion to Approve Community and Problem-Oriented Policing Policy via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway
AYESHA BELL HARDAWAY